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AD HOC COMMITTEE ON THE ELABORATION
OF AN INTERNATIONAL CONVENTION
DEALING WITH THE SAFETY AND
SECURITY OF UNITED NATIONS
AND ASSOCIATED PERSONNEL
1-12 August 1994

ELABORATION, PURSUANT TO PARAGRAPH 1 OF GENERAL ASSEMBLY RESOLUTION 48/37 OF 9 DECEMBER 1993, OF AN INTERNATIONAL CONVENTION DEALING WITH THE SAFETY AND SECURITY OF UNITED NATIONS AND ASSOCIATED PERSONNEL, WITH PARTICULAR REFERENCE TO RESPONSIBILITY FOR ATTACKS ON SUCH PERSONNEL

Proposal by France

Article 11. Crimes against United Nations personnel

1. The intentional commission of the following shall constitute a crime:

(a) A murder, kidnapping or other attack directed against the person or liberty of any United Nations or associated personnel defined in article 2 of this Convention;

(b) An attack, by resorting to violence, directed against property and likely to endanger the person in question.

2. The following shall also constitute a crime:

(a) An attempt to commit any of the crimes set out in paragraph 1 of this article;

(b) Acting as an accomplice of a person who commits or attempts to commit any of those crimes.

Article 11 bis. Sanctions

Each State Party shall undertake to suppress the crimes defined in the preceding article by appropriate penalties which shall take into account their grave nature.

Article 12. Establishment of jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 11 in the following cases:

(a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State.

2. A State Party may also establish its jurisdiction over any such crime when the victim is a national of that State.

3. Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over a crime set out in article 11 in cases where the alleged offender is present in its territory and it does not extradite such person after having received a request for extradition from a State Party whose jurisdiction to prosecute is based on a jurisdiction rule which also exists in the law of the requested State.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 14. Measures to ensure prosecution or extradition

1. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.

2. Measures taken in accordance with paragraph 1 above shall be notified in conformity with the national law of the States Parties to the Secretary-General and, either directly or through the Secretary-General, to:

(a) The State where the crime was committed;

(b) The State of which the alleged offender is a national;

(c) The State of which the victim is a national.

Article 15. Prosecution of alleged offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, upon the request of the requesting Party, the case to its competent authorities so that legal proceedings may be instituted if there are grounds under its national law. The requesting Party shall be informed of action taken in compliance with its request.